

SON-2009



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of)
Toshio KOBAYASHI et al.)
Serial No. 09/735,938)
Filed: December 14, 2000)
For: NONVOLATILE SEMICONDUCTOR)
MEMORY DEVICE AND METHODS FOR)
OPERATING AND PRODUCING THE)
SAME)

DECLARATION OF ROBERT S. GREEN

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, ROBERT S. GREEN, declare that:

On December 14, 2000, I was employed at the law firm of Rader, Fishman & Grauer PLLC, Suite 501, 1233 20th Street, N.W., Washington, D.C. 20036, as an IP attorney.

I have been employed in the patent law area for more than 5 years, during which time my duties have included the review of many routine papers for accuracy and completeness prior to their submission to the U.S. Patent and Trademark Office.

On December 14, 2000, I reviewed the new patent application described in the above caption for accuracy and

stamp of the Patent and Trademark Office mail room acknowledging the filing of the application, including 103 pages of specification and 26 pages of claims (containing claims 1 to 42); (3) a declaration prepared and executed by Robert S. Green, an attorney, attesting to the fact that the specification, claims, and drawings were contained in the application at filing and prior to his signature; and a declaration prepared and executed by Paula L. Talarek, an IP paralegal, attesting to the fact that the new application was complete at filing.

On December 14, 2000, a new application was filed with the Patent and Trademark Office (PTO), including a completed application transmittal form, a complete copy of the application (103 pages of specification, 26 pages of claims containing claims 1 to 42, an abstract, and 21 sheets of drawings), an unexecuted declaration, and authorization to charge our deposit account for the filing fee, as set forth in the application transmittal paper. The Notice indicates that the pages 113, 114, 116, 117, 118, 119, and 121 of the specification (description and claims) were missing.

The application was stapled together, including the drawings, and placed in the holding bin for messenger pickup. The papers to be filed were listed in a binder with the initials of the secretary placing the papers in the bin. The papers were placed in a messenger pouch for pickup by the messenger. The papers were hand delivered by a messenger and a postcard date stamped by the PTO acknowledging receipt was returned that same day by the messenger to be certain all papers were timely filed.

In further evidence of the completeness of the application we have also enclosed a Declaration of Robert S. Green, an attorney with over 5 years experience, who reviewed the application for completeness and accuracy prior to execution of the transmittal paper and who placed his name "Bob" on the postcard to indicate review and completeness.

In further support of the completeness of the filing, we have also enclosed a Declaration by Paula L. Talarek, an IP paralegal with over 30 years experience, who reviewed the application prior to filing for completeness and who placed her initials "PT" on the postcard to indicate review and completeness.

It is clear from the enclosed papers that errors were made by the Patent and Trademark Office in its processing of the application and that the application papers filed on December 14, 2000 were complete. It would appear that the application papers were somehow separated in the PTO prior to the initial examination review, perhaps in the Cashier's office, or mailroom.

Favorable action with respect to this petition that this application be accorded a filing date of December 14, 2000 is respectfully solicited. It is further requested that the petition

false statements may jeopardize the validity of the application or any patent issuing thereon.

Declared at Washington, D.C. on 14th day of May, 2001.


Robert S. Green

Rader, Fishman & Grauer PLLC
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
(202) 955-3750
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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On December 14, 2000, I reviewed the new patent application described in the above caption, prior to its filing at the U.S. Patent and Trademark Office. I

particularly checked to be sure that all components of the application were present, namely, a completed application transmittal form, a complete copy of the application (130 pages of typed text and 21 sheets of drawings), the unexecuted declaration, and authorization to charge our deposit account for the filing fee. In my review, each page of the application is specifically numerically checked to be certain no typed page has been omitted. I found the application to be complete and wrote my initials PT on the postcard accompanying the filing of the application.

I today reviewed the file copy of the application captioned above, and also found it to be complete.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Declared at Washington, D.C. on 14th day of May, 2001.


Paula L. Talarek

Rader, Fishman & Grauer PLLC
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
(202) 955-3750